

Attorney Docket No.: UMD-0092  
Inventors: Mathews et al.  
Serial No.: 10/505,265  
Filing Date: April 22, 2005  
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#### REMARKS

Claims 1 and 4-19 are pending in the instant application. Claims 7-12, 14, and 17-19 have been withdrawn from consideration. Claims 4-6, 13 and 15 have been found allowable. Claim 16 has been rejected. Claim 1 has been objected to. Claim 1 has been amended. Claims 7-12, 14, and 16-19 have been canceled. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of the following remarks.

#### **I. Election/Restriction Requirement**

The restriction requirement placing the claims into Groups I-VI has been deemed proper for the reasons of record and made final. Claims 7-12, 14, and 17-19 have been withdrawn from consideration. Accordingly, Applicants have canceled claims 7-12, 14, and 17-19 without prejudice reserving the right to file continuing applications for the canceled subject matter.

#### **II. Objection to the Specification**

The specification has been objected to because it does not state the priority claim in the first paragraph of the specification. Applicants have made the appropriate amendment to the specification and respectfully request that this objection be withdrawn.

#### **III. Claim Objections**

Claim 1 has been objected to for failing to clearly refer to the subject matter: a protein. It is suggested that instead of "A variant of wild-type HIV-1 Tat protein", claim 1 could refer to "An isolated variant protein of wild-type HIV-1 Tat protein."

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Applicants have made the appropriate amendment to claim 1 and respectfully request that this objection be withdrawn.

#### **IV. Rejection of Claims Under 35 U.S.C. §112**

Claim 16 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner suggests that claim 16 is confusing because it reads on the presence of two virus genomes. Furthermore, it is suggested that it is not clear what Applicants mean by "defective." Applicants respectfully disagree with this rejection. However, in an earnest effort to facilitate the prosecution of this application, claim 16 has been canceled without prejudice reserving the right to file continuing applications for the canceled subject matter. It is therefore respectfully requested that this rejection be withdrawn.

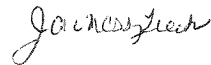
#### **V. Conclusion**

The Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

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Accordingly, allowance of the pending claims is earnestly solicited.

Respectfully submitted,



Jane Massey Licata  
Registration No. 32,257

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Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053

(856) 810-1515